

AGENDA
SECTION 608 SIGN TASK FORCE
JUNE 6, 2017

AGENDA ITEM 3A, 3B,3C,3D
DISCUSSION ITEMS

- A. Non-Conforming Signs**
- B. Historic District Considerations**
- C. Calculating Sign Area**
- D. Regulations for Specific Uses**
- E. Wrap Up/Next Steps**



CITY OF LEBANON ~ PLANNING & ZONING

MEMORANDUM

TO: Sign Task Force Members

CC: David Brooks, Director of Planning & Zoning

FROM: Tim Corwin, Senior Planner/Zoning Administrator

RE: June 6th Sign Task Force Meeting

DATE: June 2, 2017

The next meeting of the Sign Task Force will focus on calculating **sign area**, regulations for **non-conforming signs**, special regulations for the **historic district**, and special regulations for **specific uses**.

Calculating Sign Area

Arguably, the most significant way that communities regulate signs is to limit the total *sign area* each business or property is permitted to have. The task force has previously discussed how total permissible sign area for businesses is currently calculated. But once that number is established, what constitutes "sign area"?

For example, should "sign area" distinguish between the *sign copy* (i.e. the lettering/graphics/images) and the *support structure* (for example, a bracket hanging a projecting sign, a 6 inch wide wood frame around a wall sign, or a large brick pediment for a freestanding sign)? If so, should the entirety of the support structure be excluded from the sign area calculation, or only certain components of the support structure?

As a thought experiment, assume that the regulations allow a shopping center to have a 150 sq. ft. freestanding sign at its main vehicular entrance. The applicant proposes the following:



What aspects of the sign should be included in calculating the total sign area of this sign? For example, should the bright blue back background of the "Tires Les Schwab" be included or just the graphic and lettering? Should the pediments at the bottom of the sign and roof be included? Should the space between the pediments be included? Keep in mind that the question of "sign area" intersects closely with the definition of "sign"; e.g. should/can we consider the pediments and the roof to be a "sign" or components of a "sign"?

For reference, "sign area" is currently defined in Appendix A of the Zoning Ordinance as:
the entire area within one, but not more than three separate geometric forms enclosing the extreme limits of writing, representation, emblem or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. The geometric forms shall be limited to a circle, triangle or parallelogram, or any combination thereof. Geometric forms located more than twelve (12) inches apart shall be considered separate signs.

Non-Conforming Signs

Non-conforming signs are existing signs that do not meet the current regulations, but were in full compliance with the regulations that were in effect when the sign was originally installed. Under NH law, signs that pre-date the regulations are "grandfathered" and may remain in place. Ordinary repairs and maintenance are also permitted.

The questions for the Task Force are:

1. What changes to non-conforming signs should be permitted other than ordinary repairs and maintenance? For reference, non-conforming signs are currently regulated by §608.9 of the Zoning Ordinance, which the Planning Department has historically interpreted to permit the replacement of a legal non-conforming sign provided that the new sign is substantially similar in size and location as the sign to be replaced.
2. Under what circumstances should a sign lose its legal non-conforming status? For reference, a "grandfathered" sign under the current regulations will lose its legal non-conforming status if the sign is "**abandoned** based on circumstances indicative of an intention to abandon the use and vested rights".



For reference, the current non-conforming sign regulations are pasted below:

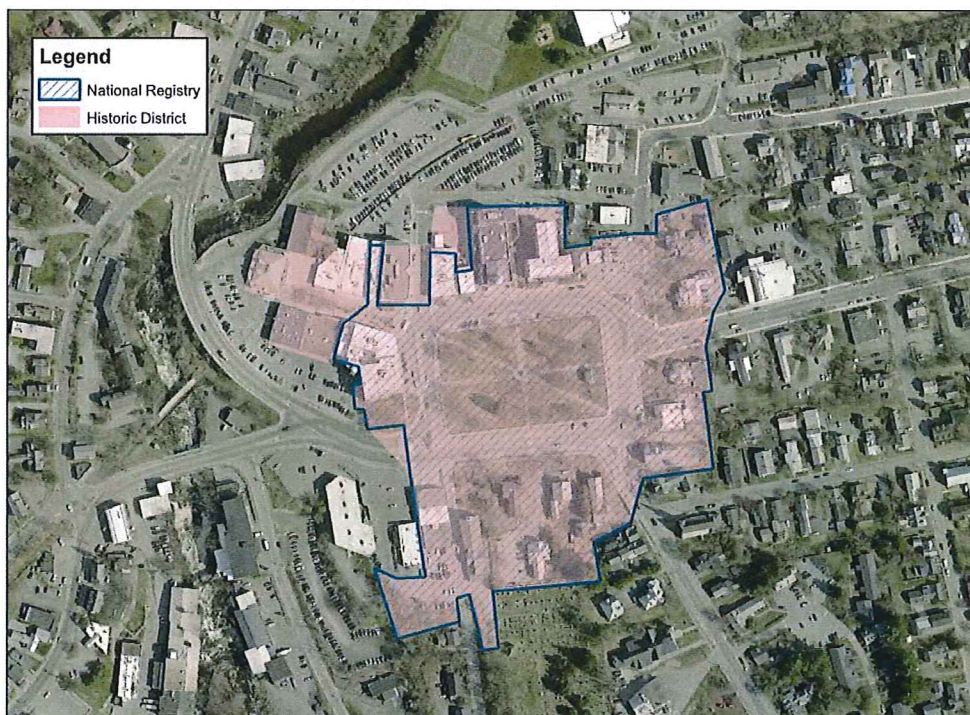
608.9 Legal Non-Conforming Signs.

- A. Any sign located within the City on the date of September 7, 1988, which does not conform with this Ordinance, is a "legal non-conforming sign" if the sign was in compliance with applicable law at the time.
- B. A legal non-conforming sign shall lose its non-conforming status if:
 - 1. The sign is altered in a way which makes the sign substantially different from its structure prior to alterations.
 - 2. The sign is relocated.
 - 3. The sign is abandoned based on circumstances indicative of an intention to abandon the use and vested rights.
- C. Nothing in this section shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Ordinance regarding safety, maintenance and repair of signs, provided, however, that any repainting cleaning and other normal maintenance or repair of the sign or the sign structure shall not substantially change the sign structure in any way. The owner or user of legal non-conforming signs shall have the right to replace the structure of the sign so long as the structure is the same or is similar in function as the original structure and is in the same location. However, the illumination aspects of the existing sign shall not be considered lawfully nonconforming, and any new or replacement sign structures must comply with the current illumination requirements as stated in Section 608.8.F. of this Ordinance.

Historic District Regulations

Should special consideration be given to the regulation of signs within the City's Historic District?
For reference, a map of the historic district is pasted below:

Lebanon Historic District



Regulations for Specific Uses

Are there specific uses that should be permitted to have additional signage? For example:



This is just one example of a use that may necessitate specific treatment in the regulations. However, note that for the example given, the issue is not just that ballfields traditionally have a multitude of signs, but that most of the signs constitute *off-site signage*. Recall that prohibiting off-site signage is the one content-based restriction that seems to have clearly survived the *Reed* case.

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